

Consideration of recommendation to the Natural Resources Commission regarding proposed amendments to 312 IAC 9 that govern the hunting of ruffed grouse and wild turkeys; Administrative Cause No. 09-165D

The changes to the rule governing the hunting of ruffed grouse would reduce hunting on public lands (only) to six weeks. The season length on private lands would remain unchanged. Currently, grouse hunting occurs across all or portions of 25 counties from October 1 to December 31 (13 weeks) with a 2 bird bag limit.

Extremely low grouse population levels and deteriorating habitat conditions with uncertain prospects for improvement raise concerns about hunting mortality on grouse populations, especially on public lands with unrestricted hunter access. While grouse hunting demand has declined in response to decreased population levels, it is debatable whether or how much of a “harvestable surplus” exists after the fall dispersal period. Timber harvests creating young forest habitats are still occurring to some degree on private ownerships where hunter access is restricted.

The proposed rule change to shorten the grouse season on public lands would reduce concerns about the over-harvest of potential breeder birds where hunter access is not limited. The proposed rule change would not reduce private land opportunities, nor penalize those landowners who actively manage their woodlands to produce young forest habitats for ruffed grouse and provides an incentive to landowners, who enjoy grouse hunting, to more actively manage their timberlands. The shortened grouse season on public lands would overlap with the first part of the small game season and the peak migration flights of American woodcock, a compatriot game species often sought by grouse hunters.

The proposed changes to the wild turkey rule would do the following:

- 1) add 16 new counties in Indiana for the fall firearms season, including 7 in northern Indiana
- 2) open all counties (statewide) for fall turkey archery season
- 3) add 7 days to the early archery portion of the fall turkey season
- 4) add a second (late) archery turkey season to coincide with the late deer archery season (they would run at the same time and have a hunter orange requirement)
- 5) expand the fall turkey firearm season in the south for 7 more days (12 days total - includes 2 weekends).

The relatively low harvests, hunter participation, and hunter success under the current conservative fall season structure indicate that the hunting range and the days of hunting opportunity could be expanded for both archery and firearms (shotgun) portions of the turkey season. Even if hunter participation, hunter success, and resulting harvests were all to double, the estimated fall:spring harvest ratio (10%) would still remain considerably below the theoretical maximum and would be sustainable even with less than good production levels and would not be likely to have much of an impact on spring harvest. The proposed fall turkey structure would still be considered conservative relative to other surrounding states and still demonstrates the DNR’s commitment to emphasize spring over fall hunting opportunities as desired by turkey hunters in general. The extension of the archery hunting opportunities will likely have a negligible effect on overall fall harvests levels given the relatively low archery hunter success ($\leq 2\%$). The more conservative 5-day firearms season in the north for a few selected counties will allow for a 3-year assessment of fall firearm hunting in a region with relatively lower overall turkey population levels.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #09-

DIGEST

Amends 312 IAC 9-4-10 by reducing the length of the ruffed grouse hunting season on public land. Amends 312 IAC 9-4-11 governing the hunting of wild turkeys in the fall season. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-4-10

312 IAC 9-4-11

SECTION 1. 312 IAC 9-4-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-10 Ruffed grouse

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) An individual may hunt ruffed grouse (*Bonasa umbellus*) only from:

- (1) October 1 through December 31 on privately owned lands; and**
- (2) October 1 through the first Friday on or after November 10 on publicly owned lands.**

(b) An individual may take two (2) ruffed grouse per day.

(c) An individual must not hunt ruffed grouse except in the following counties:

- (1) Bartholomew.
- (2) Brown.
- (3) Clark.
- (4) Crawford.
- (5) Dearborn (south of U.S. 50).
- (6) Greene (east of U.S. 231).
- (7) Jackson.
- (8) Jefferson.
- (9) Jennings (south of U.S. 50).
- (10) Johnson.
- (11) LaGrange (except Pigeon River Fish and Wildlife Area).
- (12) Lawrence.
- (13) Martin.
- (14) Morgan.
- (15) Monroe.
- (16) Ohio.
- (17) Orange.
- (18) Owen.
- (19) Putnam (south of U.S. 40).
- (20) Perry.
- (21) Ripley (south of U.S. 50).
- (22) Scott.
- (23) Steuben (except Pigeon River Fish and Wildlife Area).
- (24) Switzerland.
- (25) Washington.

(Natural Resources Commission; 312 IAC 9-4-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 2. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11; IC 35-47-2

Sec. 11. (a) Except as provided in subsection (c), an individual may hunt wild turkeys (*Meleagris gallopavo*) in the spring from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

(b) An individual may hunt wild turkeys during the fall as follows:

(1) with firearms from the first Wednesday after October 14 and continuing for an additional four (4) consecutive days **in the following counties only:**

(A) **DeKalb**

(B) **LaGrange**

(C) **LaPorte**

(D) **Marshall**

(E) **St. Joseph**

(F) **Starke**

(G) **Steuben;** and

(2) with firearms from the first Wednesday after October 14 and continuing for an additional eleven (11) consecutive days **in the following counties only:**

(A) **Bartholomew**

(B) **Brown.**

(C) **Clark.**

(D) **Clay**

(E) **Crawford.**

(F) **Daviess.**

(G) **Dearborn.**

(H) **Dubois.**

(I) **Fayette.**

(J) **Floyd.**

(K) **Fountain.**

(L) **Franklin.**

(M) **Gibson.**

(N) **Greene.**

(O) **Harrison.**

(P) **Jackson.**

(Q) **Jefferson.**

(R) **Jennings.**

(S) **Knox.**

(T) **Lawrence.**

(U) **Martin.**

(V) **Monroe.**

(W) **Morgan.**

(X) **Ohio.**

(Y) **Orange.**

(Z) **Owen.**

(AA) **Parke.**

(BB) Perry.
(CC) Pike.
(DD) Posey.
(EE) Putnam.
(FF) Ripley.
(GG) Scott.
(HH) Spencer.
(II) Sullivan.
(JJ) Switzerland.
(KK) Union.
(LL) Vanderburgh.
(MM) Vermillion.
(NN) Vigo.
(OO) Warren.
(PP) Warrick.
(QQ) Washington; and

(3) with a bow and arrows from:

(A) October 1 to the end of the fall turkey season with firearms **as established in subsection (b)(2) except as provided in subsection (e) and**

(B) the first Saturday after the closing day of deer firearms season as established in 312 IAC 9-3-4(c)(2) through the first Saturday in January.

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury shall be determined by the director on an annual basis to prevent interference with military training exercises.

(d) An individual may take one (1):

- (1) bearded or male wild turkey during the spring season; and
- (2) wild turkey of either sex during the fall season.

(e) An individual must not do the following:

(1) Hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(2) Take a wild turkey except with the use of one (1) of the following:

(A) A shotgun or muzzleloading shotgun:

- (i) not smaller than 20 gauge; and
- (ii) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7½.

(B) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(g), with the following restrictions:

(i) An individual must not use a:

- (AA) long bow; or
- (BB) compound bow;
of less than thirty-five (35) pounds pull.

(ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(iii) An individual must not use a:

- (AA) crossbow of less than one hundred twenty-five (125) pounds pull;
- (BB) crossbow without a mechanical safety; or
- (CC) poisoned or explosive arrow.

(iv) No portion of a bow's riser (handle) or:

- (AA) track;
- (BB) trough;
- (CC) channel;
- (DD) arrow rest; or

(EE) other device;
that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

~~(v) Before or after lawful shooting hours, an individual must not possess a:~~

~~(AA) long bow;~~

~~(BB) compound bow; or~~

~~(CC) crossbow;~~

~~in the field if the nock of the arrow is placed on the bow string.~~

(3) Hunt wild turkeys in the fall season ~~except in a county the director designates on an annual basis by temporary rule.)~~ **that takes place during the deer muzzleloader season as established in 312 IAC 9-3-4(f) unless that individual wears hunter orange.**

(f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season established in subsection (a). As used in this subsection, "youth" means an individual who is less than eighteen (18) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.

(g) An individual must not use or possess:

(1) a dog;

(2) another domesticated animal;

(3) a live decoy;

(4) a recorded call;

(5) an electronically powered or controlled decoy; or

(6) bait;

while hunting a wild turkey. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

(h) An individual must not possess a handgun while hunting wild turkeys or while accompanying the youth hunter during the season established in subsection (f) unless the individual possesses a handgun in accordance with IC 35-47 and:

(1) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(2) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or

(3) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(i) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, an individual must not hunt:

(1) wild turkeys unless possessing a completed and signed license bearing the individual's name; or

(2) with a wild turkey license issued to another individual.

(j) An individual may take a wild turkey during the spring season established under subsection (a) only if:

(1) issued a license to hunt wild turkeys with a:

(A) resident youth consolidated hunting license under IC 14-22-11-10(b);

(B) resident spring turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(20);

(C) nonresident spring turkey license under IC 14-22-12-1(a)(21);

(D) resident youth consolidated hunting license under IC 14-22-12-1(a)(24);

(E) nonresident youth spring turkey license under IC 14-22-12-1(a)(27);

(F) lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);

(G) lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or

(H) an apprentice spring turkey hunting license under IC 14-22-12-1.7; or
(2) hunting under IC 14-22-11-1.

(k) An individual may take a wild turkey during the fall season established under subsection (b) only if:

(1) issued a license to hunt wild turkeys with a:

- (A) resident youth consolidated hunting license under IC 14-22-11-10(b);
- (B) resident fall turkey license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(22);
- (C) nonresident fall turkey license under IC 14-22-12-1(a)(23);
- (D) resident youth consolidated hunting license under IC 14-22-12-1(a)(24);
- (E) nonresident youth fall turkey license under IC 14-22-12-1(a)(28);
- (F) lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
- (G) lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (H) an apprentice fall turkey hunting license under IC 14-22-12-1.7; or
- (2) hunting under IC 14-22-11-1.

(l) Immediately after taking a wild turkey, an individual must attach a piece of paper to a leg of the turkey directly above the spur stating the following:

- (1) the name and address of the individual who took the turkey;
 - (2) the license number (if applicable) of the individual who took the turkey;
 - (3) the date the wild turkey was taken; and
 - (4) the sex;
- of the wild turkey taken.

(m) An individual who takes a wild turkey must do the following:

(1) Cause delivery of the wild turkey to an official turkey checking station within forty-eight (48) hours of taking.

(2) Register the wild turkey in the name of the individual who took the wild turkey.

(3) Provide the check station with true and accurate information, including the name and license number of the individual who took the wild turkey and the date the wild turkey was taken.

(4) Receive the permanent seal A after the checking station operator:

- (A) records the permanent seal number on the log; and
- (B) collects the piece of paper described in subsection (l);

(5) Immediately and firmly affix the seal to the leg of the wild turkey as follows:

(A) On the leg of a wild turkey for a wild turkey taken during the spring season.

(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a wild turkey taken in the fall season.

The permanent seal must remain affixed until processing of the wild turkey begins.

(n) The official wild turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

(o) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(p) As used in this section, "bait" means to place, expose, deposit, distribute, or scatter grain, salt, or other feed to lure, attract, or entice a wild turkey to an area where a person may take the wild turkey. (*Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

